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AMENDED IN SENATE JULY 24, 2009

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CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1025

Introduced by Assembly Member Conway

February 27, 2009

An act to amend Section 44258.7 of, and to add Sections 44346.5 and 49024 to, the Education Code, relating to school employees and volunteers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Conway. Schools: employees and volunteers: Activity Supervisor Clearance Certificate.

Existing law permits qualified credential holders to coach in a competitive sport upon authorization by action of the local governing board, as specified.

This bill would require a noncertificated candidate, commencing on July 1, 2010, prior to assuming a paid or volunteer position to supervise, direct, or coach a pupil activity program sponsored by, or affiliated with, a school district, to obtain from the Commission on Teacher Credentialing an Activity Supervisor Clearance Certificate issued by the commission upon verification of the candidate's personal identification and verification that he or she meets specified

requirements. The bill would require that each certificate be issued initially for a period of 5 years and provide that it may be renewed. *The bill would require the commission to submit specified information relating to applicants to the Department of Justice to obtain state and federal criminal history information prior to the issuance of a certificate, as specified, and require the commission to make that information available to the Department of Justice or the Federal Bureau of Investigation, upon request.* The bill would also authorize the commission to establish a fee for the certificate.

~~Existing law authorizes the commission to deny an application for the issuance or renewal of a teaching credential under certain circumstances, including if the applicant has committed an act involving moral turpitude or has been convicted of specified criminal offenses prior to September 7, 1955. Existing law requires the commission to deny an application for the issuance or renewal of a credential made by an applicant who has been convicted of specified offenses, including a violent or serious felony, as defined, or any sex offense or controlled substance offense, as specified.~~

~~This bill would provide that if the denial of the application is due, at least in part, to the individual's state or federal criminal history record, the commission shall provide to the individual a copy of that criminal history record search response, in a manner that protects the confidentiality and privacy, of the individual's criminal history record. The bill would also provide that the criminal history record search response shall not be made available to any school district or county office of education. The bill would require the commission to retain a record of the action taken, and to make that record available to the Department of Justice and the Federal Bureau of Investigation, upon written request.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44258.7 of the Education Code is
- 2 amended to read:
- 3 44258.7. (a) The holder of a standard secondary credential
- 4 who, prior to September 1, 1989, has taught successfully in a
- 5 subject within the department of his or her academic major or
- 6 minor for a minimum of three years, as verified by the employing

1 school district, may receive a supplementary authorization in that
2 subject upon application, payment of a fee, which shall not exceed
3 one-half of the regular credential fee, and evidence that one of the
4 following has been accomplished:

5 (1) Successful completion, by September 1, 1989, of a minimum
6 of 12 semester units, or six upper division or graduate units, of
7 coursework at an accredited institution in the subject.

8 (2) The securing of a passing score on an examination in the
9 subject approved by the Commission on Teacher Credentialing.

10 (3) Verification of competence in the subject matter by a subject
11 area specialist not associated with the employing school district.

12 (b) A person who holds a teaching credential in a subject or
13 subjects other than physical education may be authorized by action
14 of the local governing board to coach one period per day in a
15 competitive sport for which students receive physical education
16 credit, provided that he or she is a full-time employee of the school
17 district and has completed a minimum of 20 hours of first aid
18 instruction appropriate for the specific sport.

19 (c) A teacher employed on a full-time basis who teaches
20 kindergarten or any of grades 1 to 12, inclusive, and who has
21 special skills and preparation outside of his or her credential
22 authorization may, with his or her consent, be assigned to teach
23 an elective course in the area of the special skills or preparation,
24 provided that the assignment is first approved by a committee on
25 assignments. For purposes of this subdivision an "elective course"
26 is a course other than English, mathematics, science, or social
27 studies. The membership of the committee on assignments shall
28 include an equal number of teachers, selected by teachers, and
29 school administrators, selected by school administrators.

30 (d) Assignments approved by the committee on assignments
31 shall be for a maximum of one school year, but may be extended
32 by action of the committee upon application by the schoolsite
33 administrator and the affected teacher. All initial assignments or
34 extensions shall be approved prior to the assignment or extension.
35 Districts making assignments under this subdivision shall submit
36 a plan to the county superintendent of schools which shall include,
37 but need not be limited to, the following:

38 (1) Statements signed by the district superintendent and the
39 president or chairperson of the district governing board, approving
40 the establishment of the committee.

- 1 (2) Procedures for selection of the committee membership.
2 (3) Terms of office for committee members.
3 (4) Criteria for determining teachers' qualifications for these
4 assignments.

5 (e) The Commission on Teacher Credentialing may develop
6 and recommend general criteria that may be used by local
7 committees on assignment in assessing a candidate's qualifications.

8 (f) The commission shall issue an Activity Supervisor Clearance
9 Certificate to candidates serving in a position pursuant to
10 subdivision (a) of Section 49024 upon verification of the
11 candidate's personal identification and verification that the
12 candidate meets all professional requirements pursuant to Sections
13 44339, 44340, ~~and 44341~~ 44341, and 44346.5. Each certificate
14 shall be issued initially for a five-year period and may be renewed.
15 The commission shall establish a fee for the Activity Supervisor
16 Clearance Certificate.

17 SEC. 2. Section 44346.5 is added to the Education Code, to
18 read:

19 ~~44346.5.—(a) If an application is denied pursuant to Section~~
20 ~~44345, 44346, or 44346.1 and the denial is due at least in part to~~
21 ~~the individual's state or federal criminal history record, the~~
22 ~~commission shall provide the individual a copy of his or her~~
23 ~~criminal history record search with the notice of the denial.~~

24 ~~(b) The state or federal criminal history record search response~~
25 ~~shall not be altered from its form or content as provided by the~~
26 ~~Department of Justice.~~

27 ~~(c) The criminal history record search response shall be provided~~
28 ~~in a manner that protects the confidentiality and privacy of the~~
29 ~~individual's criminal history record and the criminal history record~~
30 ~~search response shall not be made available by the commission to~~
31 ~~any school district or county office of education.~~

32 ~~(d) The commission shall retain a record of the action taken~~
33 ~~pursuant to this section in the file maintained on the individual.~~
34 ~~The commission shall make this record available upon written~~
35 ~~request by the Department of Justice or the Federal Bureau of~~
36 ~~Investigation.~~

37 *44346.5. (a) The Commission on Teacher Credentialing shall*
38 *submit to the Department of Justice fingerprint images and related*
39 *information required by the Department of Justice of all*
40 *individuals, as described in subdivision (a) of Section 49024, for*

1 *the purposes of obtaining information as to the existence and*
2 *content of a record of state or federal convictions and state or*
3 *federal arrests and also information as to the existence and content*
4 *of a record of state or federal arrests for which the Department*
5 *of Justice establishes that the individual is free on bail or on his*
6 *or her recognizance pending trial or appeal.*

7 *(b) When received, the Department of Justice shall forward to*
8 *the Federal Bureau of Investigation requests for federal summary*
9 *criminal history information received pursuant to this section. The*
10 *Department of Justice shall review the information returned from*
11 *the Federal Bureau of Investigation and compile and disseminate*
12 *a response to the commission.*

13 *(c) The Department of Justice shall provide a state and federal*
14 *level response to the commission pursuant to paragraph (1) of*
15 *subdivision (p) of Section 11105 of the Penal Code.*

16 *(d) The commission shall request from the Department of Justice*
17 *subsequent arrest notification service, as provided pursuant to*
18 *Section 11105.2 of the Penal Code, for individuals described in*
19 *subdivision (a) of Section 49024.*

20 *(e) The Department of Justice shall charge a fee sufficient to*
21 *cover the cost of processing the request described in this section.*

22 *(f) (1) If a denial of an application for a certificate is due at*
23 *least in part to the individual's state or federal criminal history*
24 *record, the commission shall provide to the individual a copy of*
25 *his or her criminal history record search response with the notice*
26 *of the denial.*

27 *(2) The state or federal criminal history record search response*
28 *shall not be modified or altered from its form or content as*
29 *provided by the Department of Justice.*

30 *(3) The criminal history record search response shall be*
31 *provided in such a manner as to protect the confidentiality and*
32 *privacy of the individual's criminal history record and the criminal*
33 *history record search response shall not be made available by the*
34 *commission to any school district or county office of education.*

35 *(4) The commission shall retain a copy of the individual's*
36 *criminal history record search response, and the date and the*
37 *address to which it was sent. The commission shall make this*
38 *information available upon request by the Department of Justice*
39 *or the Federal Bureau of Investigation.*

40 SEC. 3. Section 49024 is added to the Education Code, to read:

1 49024. (a) Prior to assuming a paid or volunteer position to
2 supervise, direct, or coach a pupil activity program sponsored by,
3 or affiliated with, a school district, all noncertificated candidates
4 shall obtain an Activity Supervisor Clearance Certificate from the
5 Commission on Teacher Credentialing pursuant to subdivision (f)
6 of Section 44258.7.

7 (b) A pupil activity program sponsored by, or affiliated with, a
8 school district includes, but is not limited to, scholastic programs,
9 interscholastic programs, and extracurricular activities sponsored
10 by a school district or school booster club, including, but not
11 limited to, cheer team, drill team, dance team, and marching band.

12 (c) Volunteer supervisors for breakfast, lunch, or other
13 nutritional periods pursuant to Sections 44814 and 44815, and
14 nonteaching volunteer aides under the immediate supervision and
15 direction of certificated personnel of the district pursuant to Section
16 35021, shall not be required to obtain an Activity Supervisor
17 Clearance Certificate.

18 (d) Candidates may be issued a temporary certificate in
19 accordance with Sections 44332 and 44332.5 while the application
20 is being processed.

21 (e) This section shall become operative on July 1, 2010.